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Security Council
Fifty-first Year

Provisional

3644th Meeting
Wednesday, 27 March 1996, 12.55 p.m.
New York

President:	Mr. Legwaila	(Botswana)
Members:	Chile	Mr. Somavia
	China	Mr. Wang Xuexian
	Egypt	Mr. Elaraby
	France	Mr. Ladsous
	Germany	Mr. Eitel
	Guinea-Bissau	Mr. Queta
	Honduras	Mr. Rendón Barnica
	Indonesia	Mr. Wibisono
	Italy	Mr. Fulci
	Poland	Mr. Włosowicz
	Republic of Korea	Mr. Choi
	Russian Federation	Mr. Fedotov
	United Kingdom of Great Britain and Northern Ireland	Mr. Plumbly
	United States of America	Mr. Inderfurth

Agenda

The situation between Iraq and Kuwait

Implementation of resolution 715 (1991)

Letter dated 7 December 1995 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council (S/1995/1017)

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The meeting was called to order at 12.55 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Implementation of resolution 715 (1991)

Letter dated 7 December 1995 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council (S/1995/1017)

The President: The Security Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the letter dated 7 December 1995 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council, document S/1995/1017.

Members of the Council also have before them document S/1996/221, which contains the text of a draft resolution submitted by France, Germany, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall put the draft resolution to the vote.

There being is no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Fulci (Italy): Italy, as a sponsor, will vote in favour of the draft resolution, which concludes a long process that began in 1991 with resolution 687 (1991), followed in the same year by resolution 715 (1991), which was implemented by the Iraqis in November 1993.

First of all, I wish to thank the Chairman of the sanctions Committee, Ambassador Tono Eitel of Germany, for his letter of 7 December 1995 and for preparing the draft resolution in collaboration with the Special Commission for Iraq (UNSCOM) and the International Atomic Energy Agency (IAEA).

When Iraq has complied with the pertinent resolutions and has reinserted itself into the international trading system, the export/import mechanism will also serve Iraq's best interests by encouraging other States and companies to trade with it. After the adoption of the draft resolution, Iraq should no longer be able to produce weapons of mass destruction or continue programmes begun in the past. In fact, these procedures for monitoring future sales or supplies to Iraq by other countries supplement the monitoring and verification system for dual-use equipment that already exists in Iraq. These procedures, as a whole, will constitute a highly sophisticated system whose application, with the active cooperation of the Government concerned, represents an unprecedented technological innovation.

May I also take this opportunity to congratulate UNSCOM and the IAEA on the excellent work they are doing in Iraq, often in difficult conditions, in favour of peace and international security. The Italian Government fully appreciates and supports their meritorious efforts.

The contents of the draft resolution that we are about to adopt are primarily technical, but the cooperation that Iraq can offer towards its proper implementation will have a positive impact on its image in international public opinion.

Italy joins all the members of the Council in appealing to the Government of Iraq to cooperate fully in implementing the draft resolution once it is adopted and to proceed rapidly in fulfilling its other obligations, pursuant to the pertinent resolutions of the Security Council.

Mr. Eitel (Germany): On 11 October 1991, the Council adopted resolution 715 (1991). In its paragraph 7, the Council requested the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency (IAEA) to jointly develop a mechanism for monitoring any future sales or supplies by other countries to Iraq of items which could be used for the production or acquisition of banned weapons. Subsequently, those three parties undertook considerable

efforts to fulfil that task. The thoroughness of their work is reflected in the fact that it took more than four years to complete it. The last step was the adoption of the mechanism by the Committee established under resolution 661 (1990). On 7 December 1995, I, as Chairman of the Committee, was finally in a position to sign a letter to the President of the Council by which the provisions for the mechanism were submitted to this body.

Today, we will approve the mechanism and give it the binding force Chapter VII of the Charter provides for. Its aim is to prevent the misuse of items legally imported into Iraq for the illegal purposes of production or acquisition of banned weapons. This aim justifies the new obligations imposed on Iraq and on other States. To reach this aim, a system of notifications will be established; notifications, both by Iraq and by States planning to supply dual-use items to Iraq, will be required. These notifications will be complemented by the possibility of an inspection of those items at the end-user site. I am confident that the Special Commission and the International Atomic Energy Agency will provide the necessary advice and assistance with regard to the implementation of the mechanism.

The mechanism will be complementary to the other elements of ongoing monitoring and verification. It is a regime not for international licensing, but for the transmission of information. It will therefore fulfil its purpose of effectively monitoring activities relevant to prohibited weapons while not impeding Iraq's legitimate right to import or export items for non-proscribed purposes.

The mechanism will enter into force while the sanctions imposed on Iraq are still in force. It should be applied as soon as possible. The sanctions allow the import of humanitarian items — medical supplies, foodstuffs and other supplies for essential civilian needs — to Iraq. Included amongst those items are dual-use items which will fall under the mechanism; therefore, the draft resolution provides that the obligation to notify will become effective for all States except Iraq as of the date on which the Secretary-General and the Director General of the International Atomic Energy Agency report to the Council that they are satisfied with the preparedness of States. With regard to Iraq, this obligation will become effective as of a date agreed upon between the Special Commission, the Director General of the International Atomic Energy Agency and Iraq. This date must not be later than 60 days from today.

As important as early application is, it is after the lifting of sanctions that the mechanism will have its full effect. As a matter of fact, implementation of the mechanism is a prerequisite for the lifting of sanctions.

The fact that we are able to adopt the mechanism today is a success attributable to many parties. My delegation coordinated the effort to reach this end, but we would have failed if we had not found support from and a constructive and cooperative approach by many others, and I now express my thanks to them. My special thanks go to the United Nations Special Commission and the International Atomic Energy Agency, which laid the foundations of the mechanism. I am grateful to the members of the Committee established under resolution 661 (1990) and, in particular, to the members of the Council and — I stress — their experts, who, through lengthy discussions, found the solutions which have enabled us to act today.

I hope that the adoption of the draft resolution will be another step towards establishing conditions for a durable peace in the region. Germany, therefore, will vote in favour of the draft resolution.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): The Security Council is meeting today to take action on the draft resolution contained in document S/1996/221, by which it would establish a mechanism for monitoring Iraqi imports and exports, pursuant to paragraph 7 of resolution 715 (1991), which called for cooperation between the sanctions Committee established under resolution 661 (1990), the Special Commission and the International Atomic Energy Agency (IAEA) in developing the necessary provisions.

The Egyptian delegation pays a tribute to the sanctions Committee under the chairmanship of Ambassador Eitel, to the Special Commission and to the IAEA for their efforts, through a series of meetings and consultations, to prepare a draft resolution. These efforts resulted in a report (S/1995/1017), submitted to the Security Council in December 1995, which gave rise in turn to intensive consultations within the Council with a view to giving due weight to the concerns of all delegations.

My delegation, however, wants to reaffirm a number of points. First of all, no provision of the draft resolution must jeopardize the sovereignty and territorial integrity of Iraq. The provisions of paragraph 5 of the draft resolution must not prevent Iraq from exercising its

legitimate right to import or export, for non-proscribed purposes, the technologies or materials it needs to promote its economic and social development.

Secondly, while this new mechanism would monitor Iraq's import and export of dual-use materials after sanctions are lifted, it is our understanding that this regime must be put in place as that stage approaches. In this context, we hope that Iraq will create the conditions and climate necessary for achieving this objective, through full cooperation with the Special Commission established to supervise the elimination of all Iraqi weapons of mass destruction, and through the provision, at the earliest possible date, of complete, comprehensive and final information on all elements of its proscribed programmes.

Thirdly, although the establishment of this new mechanism amounts in fact to a reinforcement of the current regime established under sections C and F of resolution 687 (1991), with the purpose of ensuring that Iraq does not require materials proscribed under that resolution, the concept is unprecedented for the Security Council in that no specific time-limits are set for the new mechanism. This is a matter of some concern for the Egyptian delegation.

Fourthly, the mechanism approved under the draft resolution, as provided for in paragraph 3, is emphatically and clearly without prejudice to and shall not impair the operation of existing or future non-proliferation agreements or regimes on the international or regional level, including arrangements referred to in resolution 687 (1991). In this context, my delegation wishes explicitly to reiterate that those arrangements are those referred to in paragraph 14 of resolution 687 (1991), which clearly states that actions taken by Iraq in accordance with that resolution in connection with the elimination of weapons of mass destruction represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction.

Fifthly, Iraq accepted Security Council resolution 715 (1991), which provided for the export/import monitoring mechanism to be developed. In making its decision on the draft resolution, the delegation of Egypt took that Iraqi position into account, although the new mechanism regime imposes new and unprecedented commitments for States and their national institutions.

In light of these considerations, my delegation will vote in favour of the draft resolution before us.

Mr. Wibisono (Indonesia): My delegation has carefully examined the draft resolution before us today concerning the establishment of an export/import mechanism to monitor and verify Iraq's undertaking not to re-establish weapons capabilities proscribed under Security Council resolutions. We therefore deem this mechanism, developed pursuant to resolution 715 (1991), to be critical for gathering pertinent information to determine whether Iraq's commitments to refrain from reconstituting its proscribed weapons programmes are consistent with its deeds. In this vein, we consider unconditional implementation of and compliance with this mechanism to be fundamental prerequisites for any decision by the Security Council to reduce or lift sanctions on items covered by the relevant resolutions and plans.

The Indonesian delegation attaches great significance to adopting a resolution that clearly specifies the functions of the export/import mechanism and the manner in which it will be enforced. In this regard, therefore, my delegation wishes to reiterate that the purpose of establishing this mechanism is to establish a system for gathering timely information from States in which are located companies that are contemplating sales or supplies to Iraq of items covered by the mechanism.

We support the notion that this export/import mechanism is not a regime for international licensing, nor should it undermine Iraq's legitimate right to import or export, for non-proscribed purposes, items and technology necessary for the promotion of its economic and social development. In this connection, we also wish to stress that every effort should be made to ensure that the provisions of the mechanism are systematically applied without prejudice to the operation of existing or future non-proliferation agreements or regimes on the international or regional level.

My delegation strongly believes that the ultimate success of the draft resolution will be profoundly conditioned by the determined efforts of the parties concerned to comply with the mechanism's obligations and responsibilities. We therefore urgently call on all parties to refrain from any activities that may circumvent the functioning of the export/import mechanism. For this to be achieved, my delegation believes that a cooperative attitude must prevail between all States, international organizations, the Special Commission, the International Atomic Energy Agency and the Committee established under resolution 661 (1990).

We further believe that the export/import mechanism should be flexible enough to accommodate changing circumstances. In this connection, we stress the important task given to the Council, as reflected in paragraph 9 of the draft resolution, to review the mechanism in light of changing conditions and to amend it if necessary after appropriate consultations with interested States. To assist in this important task, we call on the Secretary-General and on the Director General of the International Atomic Energy Agency to provide the Council with a consolidated progress report at six-month intervals.

On the whole, my delegation supports the provisions of the draft resolution concerning the implementation of procedures to monitor Iraq's compliance with the export/import mechanism. My delegation deems the procedures established under the mechanism to be fair and well balanced. Also, we are confident that the draft resolution accurately identifies and addresses the major issues and concerns associated with this complex question.

In light of these observations, my delegation will vote in favour of the draft resolution. We believe that it will not only fortify the existing system of verification, but will also serve to strengthen the Council's capacity to monitor Iraq's compliance, particularly in respect of proscribed weapons programmes. Consequently, my delegation believes that the Council will indeed be in a more advantageous position to assess the full extent of Iraq's resolve to carry out the actions mandated by the relevant Security Council resolutions.

My delegation strongly feels that, should it be determined that Iraq is in fact in compliance with the relevant Security Council resolutions, particularly resolution 687 (1991), it is most important that the Council should, without delay, commence a full review of the sanctions imposed on Iraq by the Council, so that the harsh suffering inflicted on its people may finally come to an end.

The President: I now put to the vote the draft resolution contained in document S/1996/221.

A vote was taken by show of hands.

In favour:

Botswana, Chile, China, Egypt, France, Germany, Guinea-Bissau, Honduras, Indonesia, Italy, Poland, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1051 (1996).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Inderfurth (United States of America): With this unanimous vote today, the Council is again underlining the complete faith it puts in the United Nations Special Commission. The Special Commission was created by the Council and we have a responsibility to make sure it has all the resources it needs to meet its goal, which is essential to the future peace and security of the region.

I want to salute the hard work of the Special Commission and the International Atomic Energy Agency (IAEA) in formulating this mechanism. They brought together experts from a number of countries, including the permanent members of the Council, and have spared no effort in explaining to those experts all the considerations that went into the mechanism. They have patiently answered and taken account of all the questions and concerns raised by States throughout that two-year-long process. Indeed, all those States that participated in the Special Commission's and the IAEA's long consultation process ought to consider themselves co-drafters of the mechanism.

We know that the Special Commission and the IAEA will continue this consultative process and that they will be diligent in providing States with all the information necessary to implement the new reporting requirement. We put our complete trust in those two bodies in deciding when States can proceed with the effective implementation of the mechanism.

The mechanism was mandated by the Security Council in resolution 715 (1991) to be an integral part of the ongoing monitoring regime established by that resolution. It will immediately help the Special Commission in monitoring the low volume of current imports to Iraq, which include some dual-use items. In the longer run, it will be essential if the Council is one day to be convinced of something we still very much doubt, namely, Iraq's commitment not to develop weapons of mass destruction again. In that sense, this very technical step is a prerequisite for the lifting of sanctions, but the only step that will truly bring us closer to the lifting of sanctions will be a new Iraqi attitude of

cooperation — with the IAEA, the Special Commission and the Council — in meeting all Iraq's obligations.

Mr. Ladsous (France) *(interpretation from French):* The French delegation, which actively participated in the preparatory work on the draft resolution, supported the text just adopted unanimously by the Council. Indeed, the resolution will provide an essential tool for the long-term monitoring of dual-use goods and technologies in Iraq, once the current sanctions regime has been lifted. In this connection, it was important for a mechanism governing the imports and exports of such items to be adopted before paragraph 22 of resolution 687 (1991) is applied.

Naturally, I join in the thanks expressed to the Ambassador of Germany in his capacity as chairman of the Committee established under resolution 661 (1990); to those concerned in the International Atomic Energy Agency; and to the Special Commission, for the work they carried out in preparing the resolution.

Mr. Plumbly (United Kingdom): We welcome the adoption of this resolution, which successfully concludes many months — indeed years — of work to devise and agree to an export/import mechanism for Iraq, as requested in Security Council resolution 715 (1991). The efforts of the Special Commission, the International Atomic Energy Agency (IAEA) and the Ambassador and delegation of Germany, representing the chair of the sanctions Committee, in achieving this goal are particularly praiseworthy.

Recent reports from the Special Commission show that continued vigilance is essential in respect of Iraqi attempts to procure or produce weapons of mass destruction. The export/import mechanism is an important tool in this process: it will allow the Special Commission and the IAEA to monitor dual-use items and technologies already being imported into Iraq. This will have increased significance if the discussions on implementing Security Council resolution 986 (1995) are successful, since that would lead to an increased flow of goods into Iraq.

We strongly believe that the 60-day deadline for implementation of the mechanism by Iraq must be scrupulously respected. We also very much hope that all Member States will work intensively with the Special Commission and the IAEA to bring the mechanism as a whole into effect at the earliest possible date.

Mr. Fedotov (Russian Federation) *(interpretation from Russian):* The resolution which has been adopted is the result of many months of work on the draft, which enabled us to improve it to a significant extent. The nature of the export/import mechanism as exclusively one of providing notification was strengthened, and it reaffirms that it must not impair other non-proliferation regimes; in other words, it does not create precedents.

We should like to draw particular attention, to the Special Commission's obligation to provide, within a short time, the information needed for the adoption, at the national level, of measures to implement the mechanism. It is also important that the resolution specifies the time interval — between the adoption of the resolution and receipt by the Secretary-General of the information from members of the Council and other interested States — needed for the adoption, at the national level, of preparatory measures to ensure that the mechanism functions effectively; paragraph 7 of the resolution refers to this.

Taking into account all the circumstances and, in particular, the importance of establishing the necessary preconditions for lifting or softening the sanctions against Iraq in the context of implementation by Iraq of the relevant resolutions of the Security Council, we considered it possible to vote for the resolution. At the same time, we take it as given that, now that the documents on the mechanism are approved, the appropriate measures for implementing it will have to be developed, and these measures will have to take into account the well-known concerns expressed during the process of agreeing on the draft.

In particular, Russia believes it important to work out and finalize: the system and procedure for compiling and transmitting notifications; guarantees on preserving trade secrets in the notification process; spelling out the competences of the basic organs operating under the regime and the system whereby they will interact; and the procedure for reviewing the mechanism and the records.

We understand that each Government must itself determine which measures are necessary to meet its obligations, in accordance with whatever regime obtains within its country. At the same time, we believe that additional clarity regarding the due dates, form, content and system for sending notifications of supplies would enhance the effectiveness of the mechanism.

We still have serious questions about paragraph 29 of the mechanism, regarding possible differences between suppliers and the Special Commission. There is a need to

avoid situations arising in which the mechanism could become the embryo of a policy of double standards. In this connection, it would be useful if, in cases where the Special Commission finds that supplies from any and every State to Iraq may not be delivered because they exceed Iraq's legitimate needs, the Special Commission were to submit to the supplier State information on supplies of that particular class of good by other countries.

It might seem that we are attaching excessive importance to the details of the mechanism, but, as the saying goes, the devil is in the details. The experience of other international forums for export monitoring demonstrates that it is specific procedures that determine the content and effectiveness of a regime.

In light of what has been said, the Russian delegation attaches great importance to the Special Commission's giving a briefing, in New York, for experts from interested States on the subject of implementing the export monitoring regime in practice. We believe that such a briefing, with the participation of representatives of the interested government departments in the various countries, would allow for a clarification and possible elimination of existing concerns: taking those concerns into account would enhance States' readiness for implementing the mechanism in practice.

We believe that the mechanism is an important precondition for the lifting of sanctions and in practice can be put into effect only when Iraq begins to import dual-use items and technology; i.e., in the post-sanction period. The adoption of the resolution marks only the beginning of the process. We hope that the goodwill we have demonstrated today and our constructive approach will be duly appreciated.

The President: There are no further speakers. The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.30 p.m.